RAISING THE AGE OF CRIMINAL RESPONSIBILITY

PROBLEM
The 2017/18 State Budget included a statutory change to the age of criminal responsibility. The 2018-19 State Budget included $100 million to implement Raising the Age of Criminal Responsibility. The 2018-19 State Budget also authorized the Dormitory Authority of the State of New York (DASNY) to assist with construction related to RTA. This includes authorization to obtain DASNY bond financing for the construction of new specialized secure detention facilities and/or retrofitting existing juvenile detention facilities.

2020 EXECUTIVE BUDGET PROPOSAL
The 2019-20 Executive Budget proposal doubles the appropriation to include $200 million for counties. The proposal increases this appropriation because effective October 1, 2019, 17-year-olds will now fall under the same provisions of the law as 16-year-olds.

COUNTY RECOMMENDATIONS
To make the implementation of this law successful and to ensure that diversion first, rather than detention first can succeed, the state must invest in prevention services, including:

- The State should fully cover all new costs associated with changing the age of criminal responsibility for counties and New York City;
- De-link the adherence to the state property tax cap as an eligibility requirement for full state reimbursement of costs incurred to implement the new state mandate;
- Raise the minimum age that a youth can be charged as a juvenile delinquent from seven to twelve years old;
- Increase the maximum time for diversion services from four to six months for juvenile delinquents;
- Mandate that the state’s evidence-based criteria account for existing local best practices;
- Allow probation the ability to make an application for a temporary order of protection as a part of the adjustment process;
- Establish a dedicated funding stream through DCJS/OPCA for 100% of all local probation costs including but not limited to probation personnel and evidence-based programming associated with the Raise the Age law;
- Eliminate the requirement of a sentence of a conditional discharge or probation for Leandra’s Law cases when a defendant has been sentenced to a jail term or a term of imprisonment;
- Ensure that local probation departments receive 100% of all costs including but not limited to probation personnel associated with bail reform.

For more information on the county position regarding this issue, visit www.nysac.org or call 518-465-1473 to speak to Ryan Gregoire, NYSAC Legislative Coordinator.